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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

In the Matter of

Amendment of Parts 5, 21, 22, 23, 25,
73, 74, 78, 80, 87, 90, 94, 95 and 97
of the Rules to Establish a Radio
Astronomy Communications Zone in
Puerto Rico

RM-8165

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: The Chief, Policy and Rules Division

MOTION FOR LEAVE TO SUBMIT LATE-FILED COMMENTS

The Asociacion de Radiodifusores de Puerto Rico (the Radio Broadcasters Association of Puerto Rico, herein referred to as "PRBA") through counsel, hereby respectfully requests leave to submit comments out of time, relative to the above-referenced petition of Cornell University (Cornell) for Rule Making.¹ As good cause for its request, PRBA states as follows:

1. Undersigned counsel was retained by PRBA to represent it in connection with this proceeding but two days ago, on or about Wednesday, March 10, 1993. Prior to that time, however, and specifically Wednesday, February 17, 1993, PRBA had sent (via Federal Express) a letter to the Commission, a copy of which is attached hereto, requesting an additional thirty days' time in which to study and comment on the Cornell petition. This letter was

¹ The petition was filed by Cornell November 30, 1992, but was not placed on public notice until January 19, 1993. Comments were thus due February 18, 1993, and reply comments were due March 5, 1993.

apparently misplaced upon receipt by the Commission, as it does not appear on the Commission's RIPS system, nor in the docket file. Discussions with Commission staff indicate that the letter is not presently associated with the docket file.

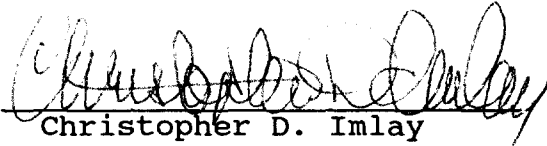
2. PRBA is the sole representative of all radio broadcasters in Puerto Rico in this proceeding. This proceeding would place potentially significant regulatory burdens on radio broadcasters in Puerto Rico who wish to construct new or modified facilities, or who wish to upgrade facilities anywhere in Puerto Rico or its environs. The special circumstances and difficulties surrounding radio broadcasting in Puerto Rico are well known to the Commission and have been acknowledged by it in numerous regulatory proceedings. The delay in submitting comments in this proceeding was due to the inevitable delay in PRBA's technical committee receiving copies of the petition. Furthermore, PRBA is a volunteer organization, and its technical committee was unable to review the document until recently.

3. Under the above circumstances, it is especially urgent that PRBA be permitted to participate at the initial comment stage of the proceeding. PRBA does not, by its request, wish to deny Cornell the opportunity to respond to the concerns to be registered by PRBA in its late-filed comments, and would be amenable to a process whereby Cornell could file supplemental reply comments within a reasonable time after PRBA's comments are received by counsel for Cornell. This motion is being transmitted by facsimile today as well as by mail, to counsel for Cornell.

Therefore, the foregoing considered, it is respectfully requested that additional time, to and including Monday, March 22, 1993 be afforded to PRBA for the submission of its comments in this proceeding, and that thereafter, Cornell be afforded such time as its counsel may request in order to respond thereto.

Respectfully submitted,

Asociacion de Radiodifusores
de Puerto Rico

By: 
Christopher D. Imlay
Its Attorney

BOOTH, FRERET & IMLAY
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March 12, 1993



Wednesday, February 17, 1993

Ms Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554


Dear Ms. Searcy:

Cornell University from Ithaca New York, has filed with the FCC a Petition for Rulemaking in the matter of the proposed Amendment of Parts 5, 21, 22, 23, 25, 73, 74, 78, 80, 87, 90, 94, 95 and 97 of the Rules to establish a Radio Astronomy Communications Zone in Puerto Rico.

Due to the potential impact that the above petition may have on the existing services using the spectrum of frequencies here, the Radio Broadcasters Association of Puerto Rico respectfully requests an extension of 30 days in order to have additional time to study this complex matter and assess the extent of such impact, identify alternatives and submit our comments.

Should you have any questions regarding this matter, please contact the undersigned.

Respectfully requested,


Luis A. Soto
Technical Committee

CERTIFICATE OF SERVICE

I, Margaret A. Ford, Office Manager of the law firm of Booth, Freret & Imlay, do certify that copies of the foregoing MOTION FOR LEAVE TO SUBMIT LATE-FILED COMMENTS were mailed via U. S. Mail, postage prepaid, first class, this 12th day of March, 1993, to the offices of the following:

**Christopher J. Reynolds, Esquire
Law Office of Christopher J. Reynolds
Post Office Box 2809
Prince Frederick, MD 20678
Counsel for Cornell University

Margaret A. Ford
Margaret A. Ford

**Via Mail and Facsimile